

Case 12-cv-010168-MAD-TWD

Filed 06/21/2013

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IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Hon. Mae D,Agostino

JAMES NICHOLS and KATHERINE NICHOLS

v.

NIAGARA CREDIT RECOVERY, INC., CREDIT RECOVERY GROUP, INC., and CHARLES F. PITARRESI,
Defendants.

DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Defendants respectfully submit this unopposed motion for an enlargement of time of 7 days, to and including July 1, 2013 within which to file its Answer or otherwise respond to Plaintiff's Amended Complaint. Defendant's Answer or responsive pleadings are presently due June 24, 2013. Defendant seeks the additional time based on the following grounds:

1. Plaintiff filed the present complaint on May 31, 2013 and Defendant's counsel received the Complaint on June 3, 2013. Defendant is obligated to file its Answer or otherwise respond to the Complaint by June 24, 2013.
2. Since May 31, 2013 the parties have engaged in several telephonic conferences regarding this case. Among other things, the parties have discussed and are attempting to explore the possibility of pursuing settlement in this case.
3. Both parties have expressed a mutual interest in attempting to settle all or part of this case. Such a settlement would avoid an undue burden on and expense of time, resources, and efforts by the Court and the parties. Plaintiff has stated that it would not oppose a motion by Defendant for an enlargement

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of time within which it may file an Answer or responsive pleading to Plaintiff's Complaint to allow the parties additional time to seek and reach an agreement regarding whether they should continue settlement discussions.

4. Defendant believes that the requested enlargement of time will facilitate the parties' efforts to explore the possibility of a settlement.

5. Granting this unopposed motion will not cause any undue prejudice or harm to the rights and interests of the parties herein. Additionally, the granting of the motion will promote judicial efficiency and serve the public interest by enabling the parties to explore the possibility of a settlement of this case.

WHEREFORE, Defendant respectfully requests that this Court grant its unopposed motion and allow it to and including July 1, 2013 within which to file its Answer.

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Respectfully Submitted,

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